

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Administration of the North American ) CC Docket No. 92-237  
Numbering Plan Carrier Identification )  
Codes (CICs) )

**OPPOSITION OF U S WEST, INC.  
TO FILED PETITIONS FOR RECONSIDERATION**

**I. INTRODUCTION**

U S WEST, Inc. ("U S WEST") hereby opposes the Petitions for Reconsideration ("PFR") filed with respect to the Federal Communications Commission's ("FCC" or "Commission") Second Report and Order,<sup>1</sup> in the above-referenced proceeding,<sup>2</sup> as well as early filed comments on those PFRs.<sup>3</sup> In all of their particulars, the PFRs should be denied.

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<sup>1</sup> In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs); Petition for Rulemaking of VarTec Telecom, Inc., CC Docket No. 92-237, Second Report and Order, FCC 97-125, rel. Apr. 11, 1997, 62 Fed. Reg. 19056, Apr. 18, 1997 ("Second Report and Order").

<sup>2</sup> Petitions for Reconsideration filed May 19, 1997 by The Competitive Telecommunications Association ("CompTel"); Telco Communications Group, Inc. ("Telco"); VarTec Telecom, Inc. ("VarTec PFR"). Because VarTec makes the same arguments in its PFR as it did in its Expedited Motion for Stay (Emergency Motion for Stay of VarTec Telecom, Inc. filed May 19, 1997 ("Stay Motion"), Motion for Leave to File Additional Pleading to correct clerical errors in its original Stay Motion filed May 28, 1997), U S WEST does not focus on VarTec's PFR in these Comments, having previously filed Comments directed to VarTec's Stay Motion. See Comments of U S WEST, Inc., filed May 27, 1997 ("U S WEST May 27, 1997 Comments").

<sup>3</sup> Long Distance International ("LDI") filed Comments early (June 3, 1997) in support of CompTel's PFR. Thrifty Call filed its Motion supporting VarTec's Stay

The PFRs really present nothing new. The FCC is being asked to reconsider positions that were fully and fairly considered in the Second Report and Order and should not be changed.

## II. SPECIFIC RECONSIDERATION ISSUES

### A. Request To Change January 1, 1998 Conversion Date

Certain parties attack the Commission's choice of January 1, 1998, as the conversion date from three-digit CICs (and five-digit Carrier Access Codes ("CAC")) to four-digit CICs (and to seven-digit CACs).<sup>4</sup> These filing parties make a number of arguments to support their positions.

First, it is claimed that the Commission really has allowed only nine months -- not two years and nine months, as claimed by the Commission in its Second Report and Order<sup>5</sup> -- to accomplish the conversion.<sup>6</sup> Second, arguments are asserted that many local exchange carrier ("LEC") switches are unable to process seven-digit CACs, such that dial-around carriers (those that currently carry interexchange traffic using a 10XXX dialing pattern) cannot make use of the seven-digit CAC;<sup>7</sup> and that interexchange carriers ("IXC") are waiting to do their own conversions until there is more widespread LEC deployment.<sup>8</sup> Third, the inability to actually use the

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Motion and its PFR on May 23, 1997. America's Carriers Telecommunication Association ("ACTA") filed its Motion supporting VarTec's Stay Motion and PFR on May 21, 1997.

<sup>4</sup> See, e.g., CompTel at 1; Telco at 3.

<sup>5</sup> Second Report and Order ¶ 4.

<sup>6</sup> CompTel at 2.

<sup>7</sup> Id. at 3, 6-7.

<sup>8</sup> Id. at 3, 6. See also Telco at 4-5, 8; LDI at 3.

seven-digit CAC makes it impossible, it is claimed, to begin to advertise the new seven-digit CAC dialing pattern or engage in appropriate customer education.<sup>9</sup> For these reasons, parties request various extensions of the conversion date ranging from January 1, 1999<sup>10</sup> to January 1, 2001.<sup>11</sup>

These arguments are made in a vacuum, as if the current proceeding lacked all prior history, was not ongoing, and did not include inquiries on the length of the transition period and the ultimate conversion date. But, as a least one filing party has noted, the Commission in its Second Report and Order stated that the industry had been on notice since May, 1994 regarding the matter of CIC conversions, generally; and the transition itself has been operative since April of 1995, when the last three-digit CICs were issued.<sup>12</sup> Certainly, there was ample “warning” that an earlier -- rather than a later -- conversion date was possible. The questions promulgated by the Commission last year, subsequent to the passage of the Telecommunications Act of 1996 (“Act” or “1996 Act”), clearly indicated that the conversion schedule might be advanced.<sup>13</sup> And commenting parties to the

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<sup>9</sup> CompTel at 5; Telco at 4-5.

<sup>10</sup> Telco at 8.

<sup>11</sup> CompTel at 2, 8. LDI, generally supporting CompTel’s general position on this issue, requests until January 1, 2000. LDI at 3.

<sup>12</sup> Telco at 7, referencing the Commission’s Second Report and Order at ¶ 37.

<sup>13</sup> Public Notice, Further Comments, Carrier Identification Codes, CC Docket No. 92-237, 11 FCC Rcd. 10332, DA 96-678, rel. Apr. 30, 1996 (“Request for Further Comments”).

Commission's request for further comments supported an expedited transition to bring the promise of dialing parity into the realm of market reality.<sup>14</sup>

An extension for another year to two-and-a-half-years would clearly be inappropriate, because it would extend the time during which there would be unequal dialing treatment. Such a lengthy delay would only allow an anticompetitive situation to continue to the detriment of new long distance entrants. Furthermore, it would insulate and reward those who have been reluctant to make the change necessary to accomplish a transition from three- to four-digit CICs. The Commission should not allow the beneficial competitive aspects of dialing parity to be put on hold for this period of time.

1. LECs' Alleged Inability To Meet Conversion Date

While certain filing parties assert that some LECs will be unable to meet the conversion dates in their switches, thereby driving back IXC implementation and education, those filing parties fail to make factually clear what constitutes the universe of "LECs" being referenced.<sup>15</sup> U S WEST, for example, is not in that universe.

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<sup>14</sup> See, e.g., U S WEST Comments, filed May 21, 1996 to Request for Further Comments at 5-9.

<sup>15</sup> CompTel mentions LECs in rural or suburban areas. CompTel at 6. However, it also mentions that GTE and Ameritech have failed to complete the conversions in various parts of their regions. *Id.* at n.6. Based on CompTel's assertion, LDI expresses concern over the situation. LDI at 2. Telco also suggests that not all LECs will be able to handle the conversion by the end of the year. Telco at 4. The validity of CompTel's and Telco's statements is not known to U S WEST. However, we do note that for many small/rural LECs, there has been no requirement that equal access be implemented. Thus, for these LECs the use of CICs is not applicable because their switches have no need for the information to route calls to carriers.

As of May, 1997, there were 522 four-digit CICs assigned nationwide. U S WEST's switches accommodate all of these four-digit CICs. We completed the necessary changes throughout our network when the first four-digit CIC was assigned in 1995.

Furthermore, it does not make for good law or good policy to rule on matters based on general, unsupported statements of "concern." Parties making allegations about LECs' inability to conform to the current conversion schedule should be required to produce documented evidence that a specific office cannot or will not be converted.

From the general allegations made, U S WEST believes that if there are any LECs that have not yet upgraded their switches, the number of switches must be very small. If that is the situation, a waiver of the Commission's conversion requirements, based on an underlying LEC's inability to complete the conversion in a specific central office within the required timeframe (with a concomitant waiver for that specific office serving area to IXCs affected by the LEC's inability), would seem the more appropriate action for the facts filing parties describe -- not a complete reconsideration of the conversion dates.

## 2. Inability To Complete Required Customer Education

With respect to customer education, it is incorrect to assume that meaningful and relevant customer education cannot occur from now until the end of the year. By way of comparison, customers in U S WEST's region typically receive from six to nine months' notice and education regarding Numbering Plan Area ("NPA")

changes.<sup>16</sup> There is no reason to assume that a longer period of customer education is necessary with respect to the CIC transition.

B. The Need For Additional CICs

Telco argues that the Commission has failed to substantiate its findings that there are additional needs for CICs,<sup>17</sup> and that its failure to do so undermines its drive to a parity dialing approach requiring four-digit CICs. Contrary to Telco's arguments, the Commission is well aware of the additional need for CICs, with respect to not only wireline services (including long distance) but to wireless services, as well. The Commission has already responded to arguments that suggested that the rate of CIC assignments could reasonably support a longer transition period.<sup>18</sup> The reason there is pent-up demand for CICs, in the first instance, is due to the Commission's policy of conservation which, until recently, had been confined to one CIC per entity, plus one CIC for carriers implementing intraLATA equal access.

Not only has Telco failed to demonstrate that the Commission's prior reasoning on this issue is in error, it is clear that there will be an increasingly growing need for new CICs. Limited CICs affect the ability of carriers to offer and bill innovative new services, something the 1996 Act clearly intended to promote. It would be irresponsible for the Commission to take a "wait-and-see" attitude about

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<sup>16</sup> For example, in Washington State, the 206 NPA is splitting into three NPAs (206, 425, and 253) with a seven-month permissive dialing period (April 27, 1997 to November 18, 1997) during which customer education is occurring.

<sup>17</sup> Telco at 8-10.

<sup>18</sup> Second Report and Order at ¶ 45 and n.149.

new entrants' needs for CICs within the context of their respective service offerings. The Commission's prior determination on this matter is the right one, and the Commission should stay the course.

C. Grandfathering CICs Does Not Increase Number Of Available CICs

VarTec continues to press for grandfathering of three-digit CICs and is joined in this advocacy by others.<sup>19</sup> U S WEST has previously opposed VarTec's grandfathering proposal in our response to VarTec's request for an Expedited Stay,<sup>20</sup> and we do not address this matter in detail again here. We do address one of the associated issues: the argument that grandfathering five-digit CACs would lead to an increase in the number of available CACs in the long run.<sup>21</sup> VarTec is incorrect in this argument.

Actually, grandfathering the existing three-digit CICs would preclude an orderly transition to the use of five-digit CICs, if such a transition ultimately becomes necessary. While it is difficult to predict now what the ultimate need will be for CICs from a numeric perspective, once all CICs are four-digit (with the seven-digit CAC in use), an expansion to five-digit CICs could be implemented by opening up the third digit "1" to utilize the numbers 2 through 9.

U S WEST is not suggesting that this is a change that could be implemented quickly, by any means, since such a conversion would require significant network

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<sup>19</sup> VarTec in its Stay Motion (at 3-5) and in its instant PFR (at 3-9) requests such relief. Telco and Thrifty Call support VarTec's "grandfathering" position. Telco at 2; Thrifty Call at 2.

<sup>20</sup> See U S WEST May 27, 1997 Comments.

<sup>21</sup> VarTec PFR at 4. And compare id. at 9, 19.

and operational support system ("OSS") changes. However, it is a possible method for CIC/CAC expansion and would provide far more CICs than grandfathering the existing three-digit CICs, which would preclude the use of the third digit for expansion purposes.

Both the Commission and the industry will be monitoring the use of CICs, as well as any plans for additional expansion/transition for CICs as may be necessary, just as the potential three-digit CIC applications were previously monitored. However, conversion from a four-digit to a five-digit CIC is a far more reasonable and nondiscriminatory approach to maximizing the number of available CACs, in the long run, than grandfathering existing three-digit CICs.

### III. CONCLUSION

For all of the above reasons, the Commission should reject those arguments pressed by filing parties seeking a reconsideration of the transition schedule established by the Second Report and Order.

Respectfully submitted,

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June 19, 1997



## **CERTIFICATE OF SERVICE**

I, Rebecca Ward, do hereby certify that on this 19th day of June, 1997, I have caused a copy of the foregoing **OPPOSITION OF U S WEST, INC. TO FILED PETITIONS FOR RECONSIDERATION** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.

A handwritten signature in cursive script, reading "Rebecca Ward", is written over a horizontal line.

Rebecca Ward

**\*Via Hand-Delivery**

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